



DEPARTMENT OF THE NAVY

NAVAL AIR STATION
LEMOORE, CALIFORNIA 93246-5001

IN REPLY REFER TO

NASLEMINST 5355.2B
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14 Mar 89

NAS LEMOORE INSTRUCTION 5355.2B

From: Commanding Officer, Naval Air Station, Lemoore

Subj: DRUG PARAPHERNALIA

Ref: (a) Uniform Code of Military Justice
(b) U.S. Navy Regulations, 1973 (NOTAL)

1. Purpose. To prohibit the use, or possession with intent to use, of drug paraphernalia. Violation may result in disciplinary or punitive proceedings pursuant to references (a), (b), or applicable administrative processes.

2. Cancellation. NASLEMINST 5355.2A

3. Background. The unlawful use of marijuana, narcotics and controlled substances has special military significance in light of the disastrous effects of these substances on the health, morale, and fitness for duty of persons in the Armed Forces. The unauthorized use of these substances is a matter of immediate and direct concern to the military as an act intimately concerned with prejudice to good order and discipline or to the discredit of the Armed Forces.

4. Applicability. This instruction is applicable to all commands, organizations, units, activities, and persons located at Naval Air Station, Lemoore, California.

5. Information. In determining whether an object is drug paraphernalia, the following, in addition to all other logically relevant factors, may be considered:

a. Statements by an owner, or by anyone in control of the object, concerning its use.

b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.

c. The proximity of the object, in time and space, to a violation of Article 1151 of reference (b).

d. The proximity of the object to controlled substances.

e. The existence of any residue of controlled substances on the object.

f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who, he knows, or should reasonably know, intend to use the object to facilitate a violation of Article 1151 of reference (b). The innocence of an owner, or of anyone in control of the object of a direct violation of Article 1151 of reference (b), shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

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g. Instructions, oral or written, provided with the object concerning its use.

h. Descriptive materials accompanying the object which explain or depict its use.

i. National and local advertisements concerning its use.

j. The manner in which the object is displayed for sale.

k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

l. The existence and scope of legitimate uses for the object in the community.

m. Expert opinion concerning its use.

6. Definitions. The term "drug paraphernalia" means all equipment products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Article 1151 of reference (b). It includes, but is not limited to:

a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

c. Isomeric devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

d. Testing equipment used, intended for use, or designed for use in identifying, or analyzing the strength, effectiveness, or purity of controlled substance.

e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

f. Diluents and adulterants (such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose) used, intended for use, or designed for use in cutting controlled substances.

g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana.

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h. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in injecting controlled substances into the human body.

l. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes and devices.

(4) Smoking and carburetion masks.

(5) Roach clips, i.e., objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the fingers.

(6) Miniature cocaine spoons and cocaine vials.

(7) Chamber pipes.

(8) Carburetor pipes.

(9) Electric pipes.

(10) Air-driven pipes.

(11) Challums.

(12) Bongs.

(13) Ice pipes or chillers.

7. Prohibited Acts and Conduct

a. Possession of Drug Paraphernalia. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest manufacture, compound, convert, produce, process, prepare, test, analyze, pack,

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repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Article 1151 of reference (b).

b. Manufacture or Delivery of Drug Paraphernalia. No person subject to this order may deliver, ~~possess with intent to deliver~~, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Article 1151 of reference (b).


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